

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL BROWN, SR., et al.,)
)
Plaintiff,)
)
v.) No. 4:15CV00831 ERW
)
CITY OF FERGUSON, MISSOURI, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

In its Memorandum and Order on July 16, 2015, addressing Defendants' Motion to Dismiss, the Court requested the parties submit further briefing on whether Plaintiffs have constitutional standing for declaratory and injunctive relief. The Court asked the parties to specifically address the issue of federalism in regards to a federal court issuing an injunction against a state agency. Plaintiffs have failed to do as the Court requested. Simply restating the allegations contained in the complaint does not address the issue of whether those allegations meet the standards required for injunctive relief. Plaintiffs repeatedly reference the injury incurred by Plaintiffs in the loss of their son, but this does not address the continuing harm required for injunctive relief. Beyond the few citations provided in the opening pages of their brief, Plaintiffs provide no support for their assertions. The Court expects Plaintiffs to include citations to precedent when asserting an argument. The Court has previously determined the other issues in Defendants' Motion to Dismiss; thus, Plaintiffs' brief should address solely the issues raised regarding injunctive relief. Plaintiffs shall file, within fourteen days of this order, an amended brief. As Defendants have already filed their brief and Plaintiffs have the opportunity to address Defendants' arguments with this ruling, Defendants will be given the

opportunity to respond to Plaintiffs' amended brief within fourteen days of its filing.

So Ordered this 18th Day of August, 2015.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE